

Assembly Bill No. 2348

Passed the Assembly May 30, 2006

Chief Clerk of the Assembly

Passed the Senate August 23, 2006

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 12687.5 to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2348, Laird. Flood control: Pajaro River.

Existing law provides for state cooperation with the federal government in the construction of specified flood control projects, and prescribes requirements to be met prior to state authorization of flood management projects that receive state financial aid.

This bill would authorize the state to provide subvention funds, as prescribed, to the Counties of Monterey and Santa Cruz, or to local agencies in those counties, for a flood control project on the Pajaro River, as described, at an estimated cost to the state of the sum that may be appropriated for state cooperation by the Legislature upon the recommendation and advice of the department and upon a determination by the department that the project meets those financial aid requirements. The bill would provide that the state assumes no liability for damages that may result from the project by authorizing the provision of subvention funds, or by the appropriation of those subvention funds, as specified.

The people of the State of California do enact as follows:

SECTION 1. Section 12687.5 is added to the Water Code, to read:

12687.5. (a) The state may provide subvention funds in accordance with Section 12585.7 to the Counties of Monterey and Santa Cruz, or to local agencies in those counties, for the project for flood control on the Pajaro River in the Counties of Monterey and Santa Cruz, authorized by the Flood Control Act of 1966 (Public Law 89-789), that is substantially in accordance with the recommendations of the Chief of Engineers of the United States Army Corps of Engineers in House Document 491, 89th Congress, as follows:

(1) At an estimated cost to the state of the sum that may be appropriated for state cooperation by the Legislature upon the recommendations and advice of the department.

(2) Upon a specific written determination by the department that the project meets the requirements of Section 12582.7.

(b) The state assumes no liability for damages that may result from the project by either of the following:

(1) Authorizing the provision of subvention funds in accordance with this section.

(2) The appropriation by the Legislature of these subvention funds upon the recommendations and advice of the department.

(c) A county or local agency may receive the subvention funds only if it enters into an agreement with the department pursuant to which the county or local agency agrees to indemnify and hold and save harmless the state, its officers, agents, and employees for any and all liability for damages that may result from the project.

(d) For the purposes of this section, “liability for damages” includes, but is not limited to, liability for damages relating to the construction or operation of the project or the failure of the project to operate as intended.

Approved _____, 2006

Governor